Modified PTO/SB/33 (10-05)

DRAFT PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number: Q78997

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Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	Filed
10/773,433	February 9, 2004
First Named Inventor: Peter WIEDENBERG	
Art Unit: 2173	Examiner: Ting Zhou

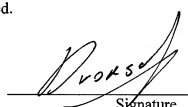
WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
Registration number 56,616



Signature

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August 25, 2008
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Docket No: Q78997
Peter WIEDENBERG	
Appln. No.: 10/773,433	Group Art Unit: 2173
Confirmation No.: 1231	Examiner: Ting Zhou
Filed: February 9, 2004	

For: METHOD FOR AUTOMATICALLY CREATING AT LEAST ONE DIALOG BOX ON AN OPERATOR INTERFACE OF A COMPUTER USER STATION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated March 24, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue: claim 1 recites a method comprising "assigning the transmitted data of the process installation that is to be displayed to certain, stored data types," and claim 10 similarly recites "assigning data, which are transmitted from a technical facility to a computer, to respective data types stored in the computer." The Examiner alleges that the above-noted feature of claims 1 and 10 is disclosed at col. 2, lines 27-40 and 63-68 of Wolber. *See* page 3 of the Final Office Action of March 24, 2008. In the Advisory Action of July 11, 2008, the Examiner contends that Wolber teaches assigning data to data types because in Wolber incoming/transmitted data can be automatically converted to an acceptable

type. The Examiner further alleges that the data in Wolber is assigned to a new data type since it is converted from a previous type to an acceptable type already in the system. In other words, the Examiner contends that the data is assigned to the new data type after it has been converted. *See* Continuation Sheet of the Advisory Action of July 11, 2008.

However, Wolber does not teach or suggest assigning data to data types, as recited in claims 1 and 10. In fact, Wolber merely teaches converting data to data of an acceptable data type. *See* col. 2, lines 38-40. In other words, in Wolber, the data is converted into another type. That is, the original data no longer exists and is replaced by the converted data. Wolber, however, does not disclose or suggest linking original data to a data type. That is, Wolber does not disclose or suggest having the original data that is assigned to a particular data type. In short, Wolber does not disclose or suggest assigning data to data types, as recited in claims 1 and 10.

Furthermore, claim 1 recites "display types that are respectively assigned to the data types," and claim 10 similarly recites "assigning the data types to respective display types." The Examiner alleges that Wolber teaches this unique feature of claims 1 and 10 referring to Wolber's FIG. 3. Specifically, the Examiner argues that FIG. 3 allegedly shows a plurality of data types, such as "Real" and "Formula," displayed in icons 204 and 212, respectively. The Examiner further alleges that each icon displays the data according to their respective display types, namely the display type of displaying a real number and the display type of displaying a formula and concludes that "since the data type of Real and Formula are shown in Figure 3 with the displayed data in the corresponding display type . . . Wolber teaches 'assigning display types

to data types.'" *See* Continuation Sheet of the Advisory Action of July 11, 2008. Applicant respectfully submits that the Examiner's position is inconsistent and contradictory.

On one hand, with regard to the alleged teaching of an assignment of data to data types, the Examiner refers to the data type constraints for each input terminal displayed in dialog box 330, citing col. 2, lines 27-40 and 63-68. *See* page 3 of the Final Office Action of March 24, 2008. However, although menu 332 in the data type constraint dialog box 330 in FIG. 3 shows different data types, a data type "Formula" is clearly not listed in this menu.

On the other hand, in the Continuation Sheet of the Advisory Action of July 11, 2008, the Examiner alleges that FIG. 3 data types are displayed in icons 204 and 212. However, nowhere in Wolber the labels or titles of the icons 204, 212 and 220 (Real, Formula, AlphaNumeric) are referred to as data types. Instead, Wolber teaches devices, such as electronic devices, that are represented by a graphical icon. *See* col. 1, lines 34-35. There are also graphical icons provided for programming functions, for example looping, IF-THEN statements, etc. *See* col. 1, lines 50-52. The icon 212 belongs to the latter group of icons and that is why it is named "Formula".

Finally, Wolber does not disclose or suggest "automatically generating the at least one display box on the operator interface of the computer user station so as to display the data utilizing display types that are respectively assigned to the data types," as recited in claim 1 and "automatically generating at least one display box on a graphical user interface of the computer so as to display the data on the graphical user interface with the data types and the display types," as similarly recited in claim 10.

The Examiner maintains the position that Wolber teaches this unique feature of claims 1 and 10 because dialog boxes are allegedly automatically created by the system instead of being manually creating by the user. *See* page 10 of the Final Office Action of March 24, 2008. Applicant disagrees with the Examiner's position.

In Wolber, the display of the dialog boxes, for example, requires an explicit request by the user in that the user selects the respective dialog box to be displayed by clicking on a menu item. *See* col. 4, lines 45-47. While it might be true that the user in Wolber does not have to manually create the dialog box, the user has to manually request its display. As a consequence, neither Wolber's icons nor Wolber's display box are automatically generated, *i.e.,* without an explicit user request, utilizing display types that are assigned to data types, as recited in claim 1 and similarly recited in claim 10. By contrast, after assigning the data to data types, the system automatically generates "at least one display box on a graphical user interface of the computer so as to display the data on the graphical user interface with the data types and the display types," as recited in claim 1 and similarly recited in claim 10.

For at least these exemplary reasons, claims 1 and 10 are patentable over the prior art of record. Claims 2-9 and 11-13 are patentable at least by virtue of their dependency from claim 1.

Finally, dependent claim 12 recites "wherein the assignments between the data types and the display types are pre-stored in the computer user station." The Examiner alleges that the pre-stored display types as recited in claim 12 correspond to acceptable types in Wolber, citing col. 2, lines 27-40 and col. 5, lines 3-20. *See* pages 7 and 8 of the Final Office Action of March 24, 2008. However, Wolber merely teaches acceptable data types and acceptable shapes. Wolber

does not teach or suggest that the acceptable display types that are pre-stored. As a consequence, Wolber does not teach the above-noted feature of dependent claim 12. Elsbree does not remedy the deficient disclosure of Wolber.

In view of the foregoing, Appellant respectfully requests the Pre-Appeal Board to reverse these prior art rejections.

Respectfully submitted,

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